

091980163

Copy for the elected Office (EO/US)

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF WITHDRAWAL
OF PRIORITY CLAIM(PCT Rule 90bis.3 and
Administrative Instructions, Section 415(a) and (b))

From the INTERNATIONAL BUREAU

To:

ANGLEHART, James
Swabey Ogilvy Renault
1981 McGill College Avenue
Suite 1600
Montréal, Québec H3A 2Y3
CANADA

Date of mailing (day/month/year) 12 March 2002 (12.03.02)	
Applicant's or agent's file reference 14081-1PCT	IMPORTANT NOTIFICATION
International application No. PCT/CA00/00998	International filing date (day/month/year) 28 August 2000 (28.08.00)
Applicant QUANTIS FORMULATION INC.	

1. The applicant is hereby notified that the **priority claim made in the international application has been withdrawn** in accordance with a notice of withdrawal received from the applicant on:

04 March 2002 (04.03.02)

The attention of the applicant is drawn to the fact that the withdrawal of the priority claim will result in the re-calculation of time limits which have not already expired (see Rule 90bis.3(d)).

2. ☐ In the case where **multiple priorities** have been claimed, the above action relates to the following priority claim(s):

3. A copy of this notification has been sent to the receiving Office and to:

- ☒ the International Searching Authority (*where the international search report has not yet been issued*)
☒ the designated Offices (*which have already been notified of the receipt of the record copy*)
☐ the International Preliminary Examining Authority

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Marie-José DEVILLARD
Facsimile No. (41-22) 740.14.35	Telephone No. (41-22) 338.83.38

PATENT COOPERATION TREATY

PCT

DECLARATION OF NON-ESTABLISHMENT OF INTERNATIONAL SEARCH REPORT

(PCT Article 17(2)(a), Rules 13ter.1(c) and Rule 39)

Applicant's or agent's file reference 14081-1PCT	IMPORTANT DECLARATION	Date of mailing(day/month/year) 19/06/2001
International application No. PCT/CA 00/ 00998	International filing date(day/month/year) 28/08/2000	(Earliest) Priority date(day/month/year) 03/09/1999
International Patent Classification (IPC) or both national classification and IPC <div style="text-align: right;">G06F17/60</div>		
Applicant QUANTIS FORMULATION, INC.		

This International Searching Authority hereby declares, according to Article 17(2)(a), that **no international search report will be established** on the international application for the reasons indicated below

1. ☒ The subject matter of the international application relates to:
 - a. ☐ scientific theories.
 - b. ☒ mathematical theories
 - c. ☐ plant varieties.
 - d. ☐ animal varieties.
 - e. ☐ essentially biological processes for the production of plants and animals, other than microbiological processes and the products of such processes.
 - f. ☒ schemes, rules or methods of doing business.
 - g. ☐ schemes, rules or methods of performing purely mental acts.
 - h. ☐ schemes, rules or methods of playing games.
 - i. ☐ methods for treatment of the human body by surgery or therapy.
 - j. ☐ methods for treatment of the animal body by surgery or therapy.
 - k. ☐ diagnostic methods practised on the human or animal body.
 - l. ☐ mere presentations of information.
 - m. ☐ computer programs for which this International Searching Authority is not equipped to search prior art.

2. ☐ The failure of the following parts of the international application to comply with prescribed requirements prevents a meaningful search from being carried out:

☐ the description
 ☐ the claims
 ☐ the drawings

3. ☐ The failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions prevents a meaningful search from being carried out:

☐ the written form has not been furnished or does not comply with the standard.
 ☐ the computer readable form has not been furnished or does not comply with the standard.

4. Further comments:

Name and mailing address of the International Searching Authority European Patent Office, P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016	Authorized officer Lucia Van Pinxteren
--	--

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 203

The subject-matter claimed in claims 1-23 falls under the provisions of Article 17(2)(a)(i) and Rule 39.1(i and iii), PCT, such subject-matter relating to a method of doing business and a mathematical method.

Claim 24 relates to a conventional computer program for performing the business method and the mathematical method of claims 1-23. Although this claim does not literally belong to the method category, it essentially claims protection for the same commercial effect as the method claims. The International Searching Authority considers that searching this subject-matter would serve no useful purpose. It is not at present apparent how the subject-matter of the present claims may be considered defensible in any subsequent examination phase in front of the EPO as International Preliminary Examining Authority with regard to the provisions of Article 33(1) PCT (novelty, inventive step); see also Guidelines B-VII, 1-6).

The applicant's attention is drawn to the fact that claims relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure. If the application proceeds into the regional phase before the EPO, the applicant is reminded that a search may be carried out during examination before the EPO (see EPO Guideline C-VI, 8.5), should the problems which led to the Article 17(2) declaration be overcome.

PATENT COOPERATION TREATY

PCT

17 DEC 2001

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

12



Applicant's or agent's file reference 14081-1PCT		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/CA00/00998	International filing date (day/month/year) 28/08/2000	Priority date (day/month/year) 03/09/1999	
International Patent Classification (IPC) or national classification and IPC G06F17/00		RECEIVED MAY 16 2002 Technology Center 2100	
Applicant QUANTIS FORMULATION, INC. et al.			

- This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 4 sheets, including this cover sheet.
 - ☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 4 sheets.

- This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☐ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 16/03/2001	Date of completion of this report 13.12.2001
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized officer Suendermann, R Telephone No. +31 70 340 2570 

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/CA00/00998

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, pages:

1-24 as originally filed

Claims, No.:

1-21 as originally filed

22-26 as received on 16/03/2001 with letter of 16/03/2001

Drawings, sheets:

1/2,2/2 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/CA00/00998

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

- ☐ the entire international application.
- ☒ claims Nos. 1-26.

because:

- ☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):
- ☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):
- ☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
- ☒ no international search report has been established for the said claims Nos. 1-26.

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

- ☐ the written form has not been furnished or does not comply with the standard.
- ☐ the computer readable form has not been furnished or does not comply with the standard.

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/CA00/00998

The claims relate to subject-matter in respect of which no International Search Report has been established and have therefore not been the subject of International Preliminary Examination (Rule 70.2(d) PCT).

- 29 -

22. A method according to claim 21, further including the steps of: incorporating said set of optimal parameters values and said corresponding experimental values for said properties X_j , respectively into said given parameter and associated property data; repeating said steps a), b) and d) to generate a new set of optimal parameters values for said parameters X_i .

23. A method according to any one of claims 13 to 22, wherein said product is a pharmaceutical product.

24. A computer program product comprising a memory containing code means for performing the method according to any one of claims 1 to 23.

25. A data signal embodied on a carrier wave, said data signal comprising data representing said property weight values and said property behavior mathematical relations obtained according to any one of claims 1 to 23.

26. A data signal embodied on a carrier wave, said data signal comprising data representing said set of n optimal parameter values for said parameters X_i , obtained according to any one of claims 1 to 23.